



By using active listening, role playing, and other techniques, CPR conducts one-on-one telephone consultations to give the caller needed tools to effectively manage the conflict at hand. If, after a consultation, the requester is uncomfortable approaching the other party, the requester may ask CPR to begin the mediation process.

The new approaches being initiated by CPR can have a positive effect on all of APHIS. For more information, employees may contact CPR at (301) 734-4950.

### 3. Formal Complaints Mediation Service

The Formal Complaints Mediation Service (FCMS) has been established within APHIS' Civil Rights Enforcement and Compliance (CREC) staff to provide an opportunity for problem-solving using a form of alternative dispute resolution (i.e., mediation). In an effort to provide comprehensive agency service, the FCMS staff at headquarters is also supported by auxiliary mediators located in field offices nationwide.

FCMS' primary purpose is to provide a means of mediating problems, issues, concerns that lead to discrimination complaints in the workplace, during the formal and informal stages of the EEO complaint process but before the complaint actually moves into adjudication at the USDA level. FCMS can help foster a better working environment in which every employee benefits. Mediation provides a forum for open discussion without interruption and sometimes uses "caucusing" to help the involved parties reach consensus. In a caucus, the APHIS mediator meets separately with each party or jointly with all to clarify issues, explore possible remedies, establish mutual interests, and identify realistic expectations. If mutual consent is attained, not only will current problems be solved but also the potential for resolution of future complaints will be enhanced.

Participation in mediation with the FCMS is voluntary and does not derail the formal complaint-processing mechanisms. The focus of the FCMS is to bring the parties (the complainant and the designated resolving official) to the table in an effort to facilitate resolution discussions, leading the way to settlement, if possible. Every reasonable effort will be examined by FCMS to assist the parties in resolving the issues. The designated resolving official can suggest an offer of settlement at any time during the mediation process. If no settlement is reached, the subject complaint continues to be processed by the Employment Complaints Division, Office of Civil Rights, at the USDA level.

For answers to any questions regarding the FCMS, please contact the program manager at (301) 734-3860 or a certified mediator at (301) 734-5595.

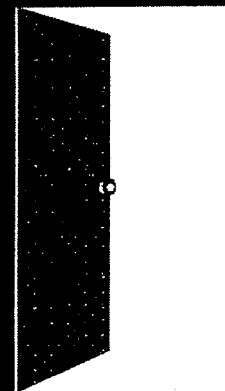
The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

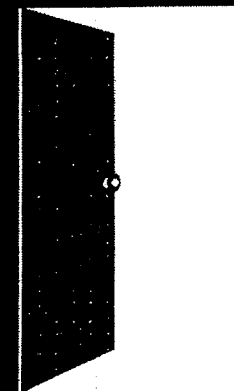
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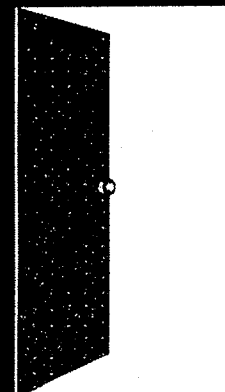
## Managing Employee Issues And Conflict: an APHIS Approach



Administrative  
Grievance Process



Conflict Prevention and  
Resolution Program



Formal Complaints  
Mediation Service

The Animal and Plant Health Inspection Service (APHIS) provides three primary services for employees to utilize in an effort to effectively manage and resolve conflict, employee-management-related issues, and instances of alleged equal employment opportunity (EEO) discrimination in the workplace.

## **I. Administrative Grievance Process**

APHIS recognizes that disagreements between employees and managers arise from time to time in the normal course of work. It is APHIS policy and practice to resolve such disagreements at the lowest level possible and through informal discussions, meetings or written notes, and e-mails or memos. But not all attempts to resolve issues to the employees' satisfaction are successful. As a result, the U.S. Department of Agriculture (USDA) and APHIS have an administrative grievance procedure that gives employees a structured process for having their issues heard and addressed.

The administrative grievance procedure covers all APHIS employees except those in bargaining units, who are covered by a union. Bargaining-unit employees have a similar but separate negotiated grievance procedure that is described in their union's collective bargaining agreement. If you are covered by a union and have questions about the negotiated grievance procedure, contact your local union representative or the Labor Relations staff of APHIS' Human Resources unit at (202) 720-6377.

The administrative grievance procedure may be used to review any matter of concern or dissatisfaction relating to the employment of a worker if that matter (1) is not related to EEO considerations and (2) is subject to the control of management. Such matters include, but are not limited to, working conditions; improper application of or failure to follow rules or regulations; suspensions from duty without pay for 14 days or less; letters of reprimand,

letters of caution or warning, and leave-restriction notices; unfair treatment, including coercion, restraint or reprisal (for non-EEO activities); performance appraisal ratings; nonselection for training; and changes in assignments, including details and reassignments.

Because the administrative grievance procedure is a structured framework for employees to seek redress on employment issues, there are timeframes that must be followed for initiating and processing a grievance. Information concerning the matters covered by the administrative grievance process and where and how a grievance must be filed can be found in APHIS Directive 460.5, Administrative Grievance System, dated July 11, 1989. To view this directive on the Internet, go to the Human Resources Webpage at <http://www.aphis.usda.gov/mb/mrphr> and select "Guides and Directives." Employees can also get help by calling the Employee and Management Relations staff of Human Resources at (301) 734-6486.

## **2. Conflict Prevention and Resolution Program**

The basic philosophy shared throughout APHIS is that conflict is unavoidable, but—properly managed—conflict can lead to creative thinking and result in a more productive, harmonious work environment. To that end, the Conflict Prevention and Resolution (CPR) program provides mediation, training, and consultation services.

Mediation is a process where a neutral third party assists two or more parties in resolving conflict. As an impartial third party, the mediator is able to view the conflict objectively and determine if there is an underlying cause for it. Through mediation, the parties not only resolve the issues brought forward but also learn how to communicate with each other more effectively and better manage any future conflict.

Mediation is voluntary and confidential. All APHIS employees, regardless of position or grade, may request mediation if they are (1) personally involved in a conflict, (2) coworkers observing a conflict, or (3) supervisors seeking a resource to resolve a conflict that they may be part of or one between staff members. CPR also receives referrals to provide mediation services from employee relations specialists, the Violence Prevention and Response Coordinator, and other interested parties.

Besides conducting mediation sessions, the CPR team also provides training, on request, covering issues like conflict management or improved communication techniques. The team also designs courses to fit the needs of a specific work unit. Sometimes there is ongoing conflict between multiple members of a work unit that needs to be addressed. In such situations, the CPR team assists in communicating with the staff as a whole to determine the root causes of the ongoing conflict and designs a course to address those specific concerns.

The CPR team provides consultations to employees and supervisors who have been subjected to conflict, such as challenging, bullying or intimidating statements; profanity; argumentative or belligerent attitudes; or hostility toward authority. Such behavior may be misconduct for which an employee could be held accountable. However, sometimes these incidents arise because the communication styles of involved parties are not compatible. In situations of this sort, the people involved often do not know how to approach each other to resolve the conflict and begin more effective communication. Either supervisors or employees may call on CPR to help them determine the best approach to managing this type of conflict.